

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By this Amendment, independent Claim 11 is amended, Claims 35-67 are added, and Claims 1-10 and 12-32 are canceled without prejudice to or disclaimer of the subject matter recited therein. Thus, Claims 11 and 35-67 are pending in this application. Applicants reserve the right to file a divisional application to pursue the subject matter of the non-elected canceled claims. All of the added claims read on the elected invention. Support for the new claims can be found throughout the specification and in the elected original claims. No new matter is added.

Applicants affirm the election of Group II, Claims 11-24, 26 and 28-32 with traverse. It is noted that Claim 25 should be part of the elected group of claims. Claim 25 originally depended from Claims 11-24, and was amended in the January 10, 2006 Preliminary Amendment to delete the multiple dependency. Due to a typographical error in the Preliminary Amendment, Claim 25 was inadvertently amended to depend from Claim 1 instead of Claim 11.

Further, the election of the Group II claims was made with traverse because it is believed that the claims of this application do comply with the unity of invention requirement, as evidenced at least in part by the observation that concern about unity of invention does not appear to have been raised in the corresponding international application where claims similar to some of those at issue here were considered. Additionally, it is believed that the search required for the elected claims would likely extend into those areas where the non-elected claims would be searched, and examining all of the claims in this application would likely not be

seriously burdensome as it would not require consideration of an excessively burdensome number of additional claims.

Examiner Robinson is kindly thanked for pointing out, on page 3 of the Official Action, a minor informality in Claim 29, now canceled. The objection of canceled Claims 29, 31 and 32 is moot. However, new Claim 48, corresponding to original Claim 29, incorporates the correction suggested by the Examiner.

The rejection of original Claim 15 under 35 U.S.C. §112, second paragraph, is rendered moot by the cancellation of Claim 15. However, new Claim 42, which corresponds to original Claim 15, recites that each ply has a thickness in the range from 2 mm to 3.5 mm.

Independent Claim 11 is the only independent claim substantively considered by the Official Action. Independent Claim 11 is directed to a laminated glazing for use in a vehicle. Claim 11 is amended to recite that the laminated glazing *consists essentially of* two plies of glass, at least one of which is body tinted, a transparent plastic interlayer laminated between the plies of glass, and a low emissivity coating on the interior surface of the glazing.

The Official Action rejects independent Claim 11 under 35 U.S.C. §102(b) over Byker et al. ("Byker"), U.S. Patent No. 6,446,402.

Byker discloses a window structure 10 including a thermochromatic layer 50 and a barrier layer 30 between two glass substrates 21 and 22, and a low emissivity layer 70 facing the inside of the window structure 10 (see Fig. 1c and col. 24, lines 25-34). The Official Action takes the position that the window structure 10 corresponds to the claimed laminated glazing. However, Byker's window structure 10 includes *more* than the two glass substrates 21 and 22, a transparent plastic

interlayer, and the low emissivity layer 70, which are said to correspond to the Claim 11 elements. Specifically, the window structure 10 disclosed by Byker includes the thermochromatic layer 50, which is not encompassed by the Claim 11 laminated glazing.

The thermochromatic layer 50 is an essential element of the window structure 10. In particular, Byker discloses that the window structure 10 is a thermochromatic device that allows sunlight or solar radiation into a building when the ambient temperature is low and that substantially blocks solar radiation when the ambient temperature is high, especially when sunlight is directly on the window (see Abstract and col. 1, lines 38-43). To accomplish these objectives, the embodiments of the window structure 10 include one or more thermochromic layers which change from absorbing less light energy to absorbing more light energy as the temperature of the thermochromic layer(s) is increased (see col. 2, lines 52-56). Thus, Byker's window structure 10 does not consist essentially of two plies of glass, a transparent plastic interlayer, and a low emissivity coating, as recited in independent Claim 11.

In addition, the introduction of a thermochromatic layer into the claimed laminated glazing would materially change the characteristics of the laminated glazing (see MPEP §2111.03, page 2100-45, upper right column). For example, the claimed laminated glazing reduces the amount of energy, especially heat energy, in the form of incident solar radiation which would otherwise be transmitted through the laminated glazing (see paragraphs [0005] to [0007] of the published U.S. application). On the other hand, the thermochromic layers disclosed by Byker promote the transmission of heat energy into a structure when ambient temperature is low, as discussed above. Thus, the introduction of a thermochromatic layer into

the claimed laminated glazing would materially change the characteristics of the laminated glazing (see MPEP §2111.03, page 2100-45, upper right column).

Accordingly, Byker fails to disclose or suggest a laminated glazing *consisting essentially of* two plies of glass, at least one of which is body tinted, a transparent plastic interlayer laminated between the plies of glass, and a low emissivity coating on the interior surface of the glazing, as recited in independent Claim 11. Thus, independent Claim 11 is patentable over Byker.

New Claims 35-67 are presented for consideration. Of the new claims, Claims 35 and 36 are independent. Independent Claim 35 recites a laminated glazing, for use in a vehicle, consisting essentially of two plies of glass, both of which are clear glass, a body-tinted plastic interlayer laminated between the plies of glass, and a low emissivity coating on the interior surface of the glazing. Independent Claim 36 recites a laminated glazing, for use in a vehicle, consisting essentially of two plies of glass, both of which are clear glass, a body-tinted plastic interlayer laminated between the plies of glass, and a low emissivity coating on the interior surface of the glazing. As both Claims 35 and 36 recite that the laminated glazing *consists essentially of* two plies of glass, a body-tinted plastic interlayer, and a low emissivity coating, these claims also are patentable over Byker for the reasons discussed above.

Dependent Claims 37-67 are patentable over the applied references at least by virtue of their dependence from patentable independent Claims 11, 35 and 36, respectively. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time.


Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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Date: December 5, 2008

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